

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

MARCUS SIMS,	:	MOTION TO VACATE
Reg. # 60136-019,	:	28 U.S.C. § 2255
	:	
Movant,	:	CRIMINAL ACTION NO.
	:	1:08-CR-0209-2-CC-JSA
vs.	:	
	:	CIVIL ACTION NO.
UNITED STATES OF AMERICA,	:	1:12-CV-0252-CC-JSA
	:	
Respondent.	:	

ORDER

This matter is before the Court on the Final Report and Recommendation (the "R&R") [Doc. No. 139] issued by Magistrate Judge Justin S. Anand on March 27, 2013, recommending that Petitioner Marcus Sims's motion to vacate sentence be denied and that a certificate of appealability also be denied. The record reflects that no objections to the R&R have been filed and that the time period permitted for filing any such objections has elapsed.

Having conducted a plain error review of the R&R in accordance with United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983), the Court finds that the R&R is correct both in fact and in law. Accordingly, the Court **ADOPTS** the R&R as the decision of this Court. For the reasons stated therein, the Court **DENIES** Petitioner's motion to vacate sentence and **DENIES** the issuance of a certificate of appealability.

SO ORDERED this 25th day of April, 2013.

s/ CLARENCE COOPER

CLARENCE COOPER
SENIOR UNITED STATES DISTRICT JUDGE